

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
CASE NO.: C-1-02-006

SHIRDENIA BRYANT, et al.

PLAINTIFFS

vs.

PRESCOTT BIGELOW IV, et al.

DEFENDANTS

\* \* \* \* \*

DEPONENT:

DONALD M. LERNER, ESQ.

DATE:

JANUARY 30, 2004

\* \* \* \* \*

ANNA I. CROUCH  
REPORTER

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1           The deposition of DONALD M. LERNER, ESQ., taken  
2 for the purpose of discovery and/or use as evidence  
3 in the within action, pursuant to Notice, heretofore  
4 filed at the law offices of William H. Blessing, Esq.,  
5 119 East Court Street, Suite 500, Cincinnati, Ohio  
6 45202, on Friday, January 30, 2004, at 9:02 a.m., upon  
7 oral examination and to be used in accordance with the  
8 Ohio Rules of Civil Procedure.

9  
10  
11                           \* \* \* \* \*

12                           APPEARANCES

13 FOR THE PLAINTIFFS:                   WILLIAM H. BLESSING, ESQ.

14 FOR THE DEFENDANTS:                  GARY R. LEWIS, ESQ.  
   TIMOTHY E. MCKAY, ESQ.

15  
16 ALSO PRESENT:                         PRESCOTT BIGELOW IV

17                           \* \* \* \* \*

18  
19  
20         DONALD M. LERNER, ESQ., called on behalf of the  
21 Defendants, after having been first duly sworn,  
22 was examined and deposed as follows:  
23  
24

CROSS-EXAMINATION

BY MR. LEWIS:

Q. Sir, would you state your name,  
please?

A. Donald M. Lerner, L-E-R-N-E-R.

Q. And what is your professional  
address?

A. It is 120 East Fourth Street,  
Cincinnati.

Q. Sir, my name is Gary Lewis and I  
represent the defendants in this case, and we're going  
to be talking to you this morning about the claims  
of Mr. Curtis. Now, you understand that Shirdenia  
Bryant's claims have been settled?

A. I have learned that, yes.

Q. All right. So, today we're going  
to be discussing Mr. Curtis. You're an attorney,  
aren't you?

A. I am.

Q. Okay. And what is your firm  
affiliation?

A. Lerner Sampson and Rothfuss.

Q. How long have you been with that  
firm?

1 A. I formed the firm on July 1st, 1975.

2 At that time, it was just Donald M. Lerner Co., LPA --

3 Q. Okay.

4 A. -- and the present firm has succeeded  
5 from that.

6 Q. You've been identified as an expert  
7 witness for Mr. Curtis, correct?

8 A. I probably have.

9 Q. Well --

10 A. Yes.

11 Q. -- do you know whether you have or  
12 not?

13 A. It's my understanding that I have.

14 Q. Mine, too.

15 A. I don't have -- I've been told that.  
16 I don't have any firsthand knowledge of it.

17 Q. All right. Are you going to testify  
18 at trial as an expert on behalf of Mr. Curtis?

19 A. If called, I will do so.

20 My understanding, sir -- and I'm not trying to confuse  
21 you -- but my understanding is that I will be called,  
22 and that I will testify.

23 Q. All right. Then, that's my  
24 understanding, also. And when were you hired as an

1 expert for Mr. Curtis in this case?

2 A. I'm trying to recall. I think I was  
3 first consulted of Mr. Curtis's matter early this  
4 month. That's my best memory. I'm not a hundred  
5 percent sure of that.

6 Q. And before early this month, then,  
7 you weren't asked to review any information concerning  
8 Mr. Curtis's claims; is that correct?

9 A. That is correct.

10 Q. All right. Now, in terms of the case  
11 -- the entire case when Ms. Bryant was a plaintiff --  
12 do you remember when you were first contacted by  
13 Mr. Blessing?

14 A. No.

15 Q. Okay. Approximately, do you remember  
16 at all?

17 A. I really don't. Several years ago.

18 Q. Now, at the point that you agreed to  
19 be an expert witness on behalf of Mr. Curtis, had you  
20 reviewed any documents at that point?

21 A. Yes.

22 Q. And what had you reviewed at the time  
23 that you agreed to be an expert for Mr. Curtis?

24 A. I reviewed certain documents

1 pertinent to Mr. Curtis's transaction and other  
2 documents related to one other transaction; one you've  
3 recently settled. At that time, my engagement was to  
4 contemplate both --

5 Q. Right.

6 A. -- plaintiffs, and I understand that  
7 you have since settled with --

8 Q. I understand. So, let's focus on  
9 Mr. Curtis for purposes of these questions, all right?

10 A. (Nods head.)

11 Q. So you said certain documents in  
12 answer to my last question. Specifically, what  
13 documents did you review reference Curtis before  
14 you agreed to be an expert witness on his behalf?

15 A. I reviewed a purchase contract,  
16 a settlement statement, various disbursement checks,  
17 an unsigned land contract, but specifically with  
18 regard to Curtis, I don't recall that there were  
19 others.

20 Q. So what you've just told me,  
21 the purchase contract, the settlement statement,  
22 disbursement checks, and the land contract --  
23 the unsigned land contract?

24 A. Correct.

1 Q. -- and those are the documents  
2 that you recall reviewing before you agreed to be an  
3 expert?

4 A. That's correct.

5 Q. And the disbursement checks, were  
6 those disbursement checks that were reflected on the  
7 settlement statement?

8 A. Most of them were.

9 Q. Did you review any disbursement  
10 checks that weren't reflected --

11 A. Yes.

12 Q. -- on the settlement statement?

13 A. Excuse me.

14 Q. You did?

15 A. Yes.

16 Q. And what were those?

17 A. As I recall, there was one check in  
18 the amount of \$295 payable to Mr. Meckstroth and dated  
19 the same date as the closing.

20 Q. Actually, that check was made payable  
21 to Mr. Curtis, and then it was endorsed by Mr. Curtis,  
22 to Mr. Meckstroth, wasn't it?

23 A. I don't recall.

24 Q. Any other disbursement checks that



1 you reviewed, other than what we just talked about?

2 A. Other than -- no, I told you that  
3 I reviewed checks that were reflected on the closing  
4 statement.

5 Q. Right, and we talked about that.

6 A. And now, as I think about it, I'm not  
7 sure that I saw the \$295 check about which we just  
8 spoke.

9 Q. Oh.

10 A. I saw another document that I didn't  
11 mention, which was a receipt from Mr. Meckstroth,  
12 for that amount. I don't recall whether I saw such  
13 a check.

14 Q. Okay. Have we talked about all the  
15 documents that you reviewed before you agreed to be an  
16 expert for Mr. Curtis?

17 A. To the best of my present  
18 recollection.

19 Q. Okay. Are you familiar with the term  
20 "conflict search" --

21 A. Yes.

22 Q. -- as a lawyer, and --

23 A. Yes.

24 Q. -- in the context of your law firm --

1 A. Yes.

2 Q. -- being hired, et cetera?

3 A. (Nods head.)

4 Q. Just for the record, tell me what it  
5 is.

6 A. Well, it varies from office to  
7 office, but its function is to determine whether there  
8 is within a law office a conflict before undertaking  
9 an engagement; a legal conflict of interest.

10 Q. All right. And does Lerner Sampson  
11 -- is it Lerner Sampson and Rothfuss?

12 A. That's correct.

13 Q. Does your firm do a conflict search  
14 before you accept an engagement?

15 A. Typically, but I'm not a participant  
16 in the firm. I'm of counsel to the firm.

17 Q. You are?

18 A. Yes.

19 Q. All right. So, do you have your own  
20 practice? Is that what that means?

21 A. Yes.

22 Q. Do you, as attorney-at-law, do a  
23 conflict search --

24 A. Not --

1 Q. -- before you accept employment?

2 A. -- yes, but not in -- not the same  
3 kind of search that one would expect to do in a larger  
4 law firm.

5 Q. All right. Well, tell me what kind  
6 of conflict search you would --

7 A. Well --

8 Q. -- well, you need to let me finish my  
9 questions.

10 A. Sorry.

11 Q. Okay. Tell me what kind of conflict  
12 search that you do before you accept employment.

13 A. My practice is sufficiently limited  
14 that I can -- I have a present recollection of --  
15 a sufficient present recollection of previous cases  
16 to recall whether or not I have a conflict, and  
17 then --

18 Q. Do you -- well, I'm sorry.

19 A. No; I'm finished.

20 Q. I had just lectured you, and then I  
21 interrupted you.

22 A. And I did it to you, and so a  
23 turnabout's fair play.

24 Q. All right. Okay. Well, how long

1 have you been of counsel to the Lerner firm?

2 A. Approximately four years -- well,  
3 maybe three.

4 Q. When you do your conflict search,  
5 do you also search for clients of the firm, when you  
6 were a principal with that firm?

7 A. Well, I did for a period of time, but  
8 I no longer do that.

9 Q. All right. Do you know if  
10 Mr. Bigelow was ever a client of Lerner Sampson and  
11 Rothfuss?

12 A. I do not.

13 Q. Did you check that information before  
14 you agreed to be an expert witness in this case?

15 A. No.

16 Q. And you didn't check it, either, for  
17 the Lerner firm, or yourself, right?

18 A. Well, I know that I never personally  
19 represented Mr. Bigelow.

20 Q. Okay. But you didn't check it for  
21 the Lerner firm?

22 A. No.

23 Q. But you've got that ability if you  
24 wanted to do it, right?

1           A.    I would have -- yes, I have access  
2 to a computer. I don't have the skills to use it.  
3 I would have somebody to do that for me.

4           Q.    Right. But, I mean, if you needed to  
5 do it, you could get access to the information, right?

6           A.    (Nods head.)

7           Q.    Do you know who the defendants are in  
8 this case?

9           A.    well, I understand that there is  
10 Mr. Bigelow and Christine -- and I don't recall the  
11 last name.

12          Q.    Okay. well, how many defendants do  
13 you think there are in this case?

14          A.    I don't know how many there are. I'm  
15 informed of two.

16          Q.    All right. And you know Mr. Bigelow  
17 is one, right?

18          A.    That's correct.

19          Q.    Who's the other defendant?

20          A.    The woman, whose first name is  
21 Christine, and the last name escapes me.

22          Q.    All right. So, you understand that  
23 it's Christine-somebody as the other defendant?

24          A.    Correct.

1 Q. Did you do a conflict search for that  
2 Christine, the other defendant?

3 A. I've never represented her.

4 Q. All right. What about the Lerner  
5 firm? Did you do a conflict --

6 A. No.

7 Q. -- search, reference her?

8 A. No.

9 Q. Do you know Mr. Bigelow?

10 A. I do not.

11 Q. Do you know if Mr. Bigelow ever made  
12 payments to Lerner Sampson and Rothfuss for attorneys'  
13 fees?

14 A. Would you like me to speculate, or --

15 Q. No, I don't want you to speculate.

16 A. Then, I don't know.

17 Q. All right. Do you know if the Lerner  
18 firm was involved in any transactions, real estate  
19 transactions, involving Shirdenia Bryant or Harry  
20 Curtis?

21 A. Do I have actual knowledge? No.

22 Q. Do you know?

23 A. No.

24 Q. And I don't want you to speculate,

1 please, and I'm sure Mr. Blessing doesn't, either.

2 A. That's why I asked you.

3 Q. Right. Please do not speculate.

4 Okay. So, you don't know whether the Lerner firm  
5 was involved in any real estate transactions involving  
6 Shirdenia Bryant or Harry Curtis, correct?

7 A. That's correct.

8 Q. Do you have a fee agreement in this  
9 case?

10 A. No.

11 Q. You do not?

12 A. No.

13 Q. Are you charging an hourly rate?

14 A. Mr. Blessing and I have never  
15 discussed that.

16 Q. Are you charging Mr. Blessing for  
17 your services?

18 A. We haven't -- we have no agreement.

19 Q. Have you charged Mr. Blessing for any  
20 services to date?

21 A. No. In this matter?

22 Q. Yes.

23 A. No.

24 Q. Did you agree to do it for free?

1 A. No.

2 Q. So you've just never discussed with  
3 Mr. Blessing what your compensation's going to be?

4 A. That's correct.

5 Q. Or, if you're going to be  
6 compensated?

7 A. That's correct.

8 Q. Did you ever discuss a compensation  
9 arrangement with James Schwantes?

10 A. No.

11 Q. And you know who James Schwantes is,  
12 right?

13 A. I had to pause for a moment, but the  
14 answer's yes.

15 Q. Right. He used to work for  
16 Mr. Blessing?

17 A. Yes.

18 Q. Did you have any contact with  
19 Mr. Schwantes?

20 A. In the context of a different case,  
21 yes.

22 Q. In the context of the Harry Curtis --

23 A. No.

24 Q. -- Shirdenia Bryant case, did you



1 have any contact or discussions with Mr. Schwantes?

2 A. No.

3 Q. So you never discussed your fee  
4 arrangement with Mr. Schwantes, either, about this  
5 case?

6 A. That's correct -- or about any case.

7 Q. Okay. And I don't want to ask you a  
8 lot of questions along this line, but your license is  
9 currently in good standing as attorney-at-law?

10 A. Yes, it is.

11 Q. All right. Have you ever testified  
12 as an expert before?

13 A. Yes.

14 Q. And when was that?

15 A. The most recent one that I recall  
16 was in a deposition for Mr. Blessing in a previous  
17 matter about a year ago.

18 Q. Oh, the Burbrink case?

19 A. Yeah.

20 Q. Other than -- and we'll talk about  
21 that a little bit -- but other than the Burbrink case,  
22 have you ever testified as an expert?

23 A. I have, but not recently, and I don't  
24 recall any details.

1 Q. How many times have you testified --

2 A. A small number. It's a small number.

3 Q. Okay. Well, let's start with trial  
4 testimony. Have you ever actually testified in either  
5 state or federal court as an expert; trial testimony?

6 A. I think I have, but not recently, and  
7 I don't have any specific recollection. It would have  
8 been years ago.

9 Q. How many years ago?

10 A. A long time.

11 Q. You think you have, but you just  
12 don't remember?

13 A. That's right. I think I have on  
14 a small number of occasions.

15 Q. And the occasions at which -- and  
16 we're talking about trial testimony now --

17 A. That's right.

18 Q. -- but the occasions at which you  
19 testified at trial as an expert, what subject did you  
20 testify on?

21 A. You know, you asked me not to  
22 speculate, and I really don't remember, but to ignore  
23 your admonition and my vague memory is that it had to  
24 do with attorney fees and the -- somebody else's

1 attorney's fees, and the reasonableness.

2 Q. The reasonableness of attorney's  
3 fees?

4 A. Yes. But I really don't recall that,  
5 specifically.

6 Q. Was that for Mr. Jones? Don Jones?

7 A. Who?

8 Q. Don Jones.

9 A. I don't think I know Mr. Jones.

10 Q. Okay. All right. Have you ever  
11 testified as an expert at trial on issues involving  
12 real estate transactions?

13 A. I don't want to say no, because I  
14 suspect that I have, but I don't have any present  
15 recollection.

16 Q. All right.

17 A. It would have not been recently.

18 Q. As you sit here today, can you tell  
19 me you have, or have not?

20 A. No. I think I have, but I'm not  
21 positive.

22 Q. Now, it's my understanding that you  
23 have not written a report referencing your opinions in  
24 this case; is that correct?

1           A.    I haven't written a report.  I did  
2   some calculations, which I faxed to Mr. Blessing,  
3   one page, but I didn't write a report.

4           Q.    And you have those with you today,  
5   do you?

6           A.    I think so.

7           Q.    All right.  But in terms of a  
8   comprehensive report outlining the documents that  
9   you've reviewed and your opinions, you haven't written  
10  such a report, correct?

11          A.    That is correct.

12          Q.    Were you asked to write a report?

13          A.    No.

14          Q.    Were you asked not to write a report?

15          A.    No.

16          Q.    Have you had any correspondence with  
17  Mr. Blessing referenced Curtis?

18          A.    My best memory is that we've only had  
19  e-mail correspondence, and that's been limited to the  
20  subject of scheduling.

21          Q.    All right.  So in terms of written  
22  exchange of information between you and Mr. Blessing,  
23  you've just told me about e-mails about scheduling;  
24  what, deposition and court appearance, et cetera?

1 Yes?

2 A. By "written," you're excluding  
3 e-mail?

4 Q. No, no, I'm not excluding e-mail.

5 A. Well, including e-mail, the only  
6 correspondence that I've had with Mr. Blessing has  
7 been on the subject of scheduling this deposition,  
8 and trial.

9 Q. So, Mr. Blessing didn't put any  
10 information down on paper and send it over to you  
11 about the facts of the case, correct?

12 A. He may have given me one short  
13 paragraph by e-mail, very generally describing the  
14 case, and I'm not certain of that.

15 Q. Did you keep that e-mail?

16 A. It would be in my computer.

17 Q. Did you bring it with you today?

18 A. No.

19 Q. Now, you understand that you were  
20 asked to bring your file with you today?

21 A. No.

22 Q. You weren't told that?

23 A. No. But I have most of it. I didn't  
24 bring my computer.

1 Q. Did you print the e-mail out?

2 A. I don't have it with me.

3 Q. Okay. So you didn't bring the e-mail  
4 from Mr. Blessing that we just talked about?

5 A. I would be glad to provide you a  
6 copy, but I didn't --

7 Q. Okay. Well, today's the day,  
8 you know?

9 A. Yeah, I understand.

10 Q. All right.

11 A. Do you have e-mail? I can forward it  
12 to you.

13 Q. Absolutely. But I don't have my  
14 computer with me here right now, either.

15 A. Right. I wasn't asked to bring that.

16 Q. Okay. So you were not asked to bring  
17 your file?

18 A. That's correct.

19 Q. Okay. And were you asked to bring  
20 these documents -- well, we talked about documents  
21 that you reviewed. Were you asked to bring the  
22 documents you reviewed?

23 A. I was asked to, but I did bring them.

24 Q. All right. Good.

1 MR. LEWIS: Just for the record, I'm going  
2 to reserve the right, if we choose to, to continue  
3 this deposition in progress, so that Mr. Lerner can  
4 bring that e-mail, or provide it, and if I want to ask  
5 him any questions about it, I want to continue this  
6 in progress, because I did send a letter to Counsel,  
7 asking him to advise his expert to bring his file  
8 and all documents he reviewed.

9 MR. BLESSING: Well, why don't we take a  
10 break? If I've sent him e-mail -- and I don't know  
11 whether I did -- but it's going to be in my records,  
12 and I can go in and print it out. Does that make  
13 sense?

14 MR. LEWIS: Yeah, that would be good.  
15 That would be good. Thank you.

16 MR. BLESSING: Yeah, let me check.

17 (Brief break was taken.)

18 (Off-the-record discussion.)

19 BY MR. LEWIS:

20 Q. Okay, go ahead now.

21 A. Well, you just asked me if I have  
22 it --

23 Q. Right.

24 A. -- and my response was that

1 Mr. Blessing has handed me a series of pages,  
2 which appear to be printouts of our series of e-mail  
3 correspondence, and I have those here, and I'm now  
4 handing them to you.

5 Q. Okay. Thank you.

6 MR. LEWIS: Could you mark that, please.

7 (Defendants' Exhibit A was marked for  
8 identification.)

9 Q. Mr. Lerner, I want to show you what's  
10 been marked for identification as Defendants' Exhibit  
11 A. Could you identify that, please?

12 A. Defendants' Exhibit A appears to be a  
13 series of e-mail correspondence between Mr. Blessing  
14 and myself concerning Bryant versus Bigelow.

15 Q. All right. And I just reviewed that  
16 quickly, and I didn't see anything in those e-mails  
17 that recite any facts involving the Harry Curtis case.  
18 Do you agree?

19 A. Yes.

20 Q. All of those e-mails have to do with  
21 scheduling, right?

22 A. That was my best memory.

23 Q. All right. And, you know, it's not  
24 here, but do you believe you have an e-mail on your



1 computer -- in addition to these e-mails -- that  
2 contains facts about the Curtis case?

3 A. If I do, I'll be glad to furnish it  
4 to you --

5 Q. All right.

6 A. -- but I don't think so. And the  
7 reason I don't think so is because Mr. Blessing has  
8 suggested that this is our complete correspondence.

9 Q. Okay.

10 A. And I told you earlier that I might  
11 have.

12 Q. Right.

13 A. I didn't recall that, one way or the  
14 other.

15 Q. But will you check for me?

16 A. Sure, I'll be glad to check, but  
17 let me conclude that subject by saying that if I  
18 have something, it wasn't a series of documents, or  
19 anything substantive. I thought I might have had a  
20 one- or two-sentence --

21 Q. Right.

22 A. -- general description of what the  
23 case is about, but apparently I didn't --

24 Q. Okay.

1           A.    -- because this appears to be a  
2 complete series of e-mail correspondence.

3           Q.    All right. Well, I'm just trying  
4 to be thorough, and even if it's only a couple  
5 sentences --

6           A.    If I have it, I'll --

7           Q.    -- if you have it, I --

8           A.    -- if I have it, I'm glad to provide  
9 it to you.

10          Q.    All right. Just provide it to  
11 Mr. Blessing, please --

12          A.    Sure.

13          Q.    -- and could you do it as soon as  
14 possible --

15          A.    I'll do it today.

16          Q.    -- since we've got trial coming up?

17          A.    I'll do it today --

18          Q.    All right.

19          A.    -- and he can forward it directly to  
20 you.

21          Q.    Okay. Thank you. Now, there's  
22 an e-mail reference in here, January 29th, from  
23 Mr. Blessing to you, and it says, "It's on for  
24 tomorrow at my office, 1:30 p.m." Now, did you meet

1 with Mr. Blessing before this deposition?

2 A. No.

3 Q. Okay.

4 A. Well, yes, I met with him this  
5 morning, but we didn't have any discussion --  
6 substantive discussion about this.

7 Let me clear that up. I sent him an  
8 e-mail suggesting that 1:30 a.m., meaning January 30,  
9 was suitable for me. That's an earlier e-mail in  
10 that series, and he interpreted that as -- and when  
11 I re-read it, I also interpreted it as 1:30 p.m. --

12 Q. That's okay.

13 A. -- on the -- today.

14 Q. And then in terms of meeting with  
15 Mr. Blessing, how many meetings have you had with  
16 Mr. Blessing where you discussed the facts of the  
17 Harry Curtis case?

18 A. Two.

19 Q. And when were those?

20 A. They were both in January; this  
21 month.

22 Q. All right. Can you tell me what  
23 dates they were?

24 A. I was -- well, let me -- before I

1 answer that question, let me go back to a previous  
2 question. I do have an e-mail with me that I didn't  
3 -- I thought that we had -- this was earlier in the  
4 series that you have. I thought that I had some kind  
5 an e-mail concerning the substance of this case, and I  
6 do.

7 MR. BLESSING: It was sent from home.

8 THE WITNESS: Oh, okay. All right.

9 Q. Now, you've got a notebook in front  
10 of you, correct?

11 A. Correct.

12 Q. And it's got some documents in it?

13 A. That's correct.

14 Q. Those all have to do with the Harry  
15 Curtis matter, do they?

16 A. No.

17 Q. They don't?

18 A. No.

19 Q. What else do they have to do with?

20 A. They have to do with the other matter  
21 that Mr. Blessing and I first discussed.

22 Q. Bryant or Burbrink?

23 A. Yes. Both.

24 Q. Both?

1 A. (Nods head.)

2 Q. All right. Can I see that, please?

3 A. Sure. well, let me tell you what I'm  
4 handing you.

5 Q. well, I just want you to hand me the  
6 whole notebook, and then we'll talk about what's in  
7 there.

8 A. All right. I thought you wanted this  
9 document.

10 Q. I do, but I want the rest of them.

11 A. Okay. (Hands the notebook to the  
12 Mr. Lewis.)

13 (Off-the-record discussion.)

14 Q. Mr. Lerner, I'm just going to put  
15 in the record here the documents that are in here that  
16 reference Curtis, and I'm just going to read these  
17 into the record.

18 A. Okay.

19 Q. The cover sheet has got Casemaker Web  
20 Library and it's got a sticky tab on it that says --

21 A. ORC.

22 Q. -- M. Lerner, ORC, and what is that?

23 A. I printed out some pertinent -- what  
24 I perceived to be pertinent provisions of the Ohio

1 Revised Code.

2 Q. And the next page is 5313.01 of the  
3 Ohio Revised Code?

4 A. Yeah; if you say so. You have the  
5 book in front of you.

6 Q. I know. Here it is. Right?

7 A. Yeah, I believe you.

8 Q. And you printed that out?

9 A. Correct.

10 Q. And then 5313.02 of the Ohio Revised  
11 Code, you printed that out, right?

12 A. Yes. Well, I printed all the  
13 Casemaker stuff there.

14 Q. All right. So, I'm just going  
15 to read these: 5313.03, 5313.06, 5313.07, 5313.08,  
16 5302.30, and then there is an e-mail here from  
17 Bill Blessing to you, dated January 9th, 2004, right?

18 A. Correct.

19 Q. And then there are notes attached to  
20 that e-mail. whose notes are these?

21 A. Those are my notes. They're dated,  
22 if you want to read it into the record.

23 Q. Thank you. 1/13/03?

24 A. That sounds correct.